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7 Attorneys for Defendants,
8 DAVID WILLIAM BARTENWERFER
9 and KATE MARIE BARTENWERFER

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 In Re:

13 Case No. 13-30827-HLB-7

14 DAVID WILLIAM BARTENWERFER and
15 KATE MARIE BARTENWERFER

16 Chapter 7

17 Debtors.

18 Adv. Pro. No. 13-03185-HLB

19 KIERAN BUCKLEY,

20 Plaintiff,

21 vs.

22 DAVID WILLIAM BARTENWERFER and
23 KATE MARIE BARTENWERFER,

24 Defendants.

25 **JOINT DECLARATION OF DAVID
26 WILLIAM BARTENWERFER AND
27 KATE MARIE BARTENWERFER RE
28 CURRENT INCOME AND EXPENSES
 IN SUPPORT OF DEFENDANTS'
 MOTION FOR STAY PENDING
 APPEAL**

29 [No Hearing Set]

30 David William Bartenwerfer and Kate Marie Bartenwerfer declare:

31 1. We are the Debtors and Defendants herein. The following facts are true and correct of
32 our own personal knowledge. If called as witnesses, we could and would competently testify as
33 follows.

34 2. Kate continues to be employed and earned a gross average income of \$16,446 per
35 month for the reporting months June - August 2022, as set forth in Exhibit "A" attached hereto.

36 3. David had been unemployed since June 2019 through December 2021. David then
37 obtained temporary employment as a 1099 contractor as of January 2022. David has generated an
38 average of \$11,666 per month for the reporting months of June - August 2022 from employment as
39 1099 contractor, as set forth in Exhibit "A" attached hereto.

4. Our family's monthly expenses for the reporting months of June - August 2022 are set forth in **Exhibit "A"** attached hereto.

5. There were changes in household income and expenses during the reporting months, primarily due to no bonus during the reporting period months for Kate, lowering the income by approximately \$14,605 per month for the reporting period months, and expenses showing a decrease from the previous reporting months by approximately \$14,595 per month for the reporting period months, primarily due to no auto lease payments, decrease in after school care, decrease in tax payments, and no legal fees paid, as set forth in **Exhibit “A”** attached hereto.

6. We have a demand for payment from the California Franchise Tax Board in the amount of \$39,808, plus interest, for tax returns from the years 2010 and 2011. We dispute this liability and will have to expend further time and resources on accountants to ensure that we are treated fairly and accurately. We are still working with the California Franchise Tax Board on this issue. Once our liability is finally determined, we will pay those obligations to the best of our ability.

7. David will need to make payments on back alimony and support obligations to his ex-wife to the best of his financial ability.

8. We will need to pay all legal bills to the best of our ability.

9. We live in San Francisco and our expenses for a family of three are modest. Because David's employment varies, with limitations in his ability to work due to poor health in dealing with stage 3 cancer, all of our family's income is necessary for the support of our family.

We declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 6th day of September 2022.

/s/ David William Bartenwerfer

DAVID WILLIAM BARTENWERFER

/s/ Kate Marie Bartenwerfer

KATE MARIE BARTENWERFER

EXHIBIT A

Bartenwerfer Family Monthly Budget
For Period June 2022 - August 2022

	<u>Jun</u>	<u>Jul</u>	<u>Aug</u>
Income			
Kate's Income	\$16,492	\$16,424	\$16,424
Kate's annual bonus			
David's Income (or unemployment)	\$10,000	\$12,500	\$12,500
<i>Total Income</i>	<u>\$26,492</u>	<u>\$28,924</u>	<u>\$28,924</u>
Expenses			
Rent	\$3,400	\$3,400	\$3,400
Utilities			
Electricity & Heating Fuel	\$228	\$198	\$123
Water and Sewer	\$73	\$69	\$75
Telephone	\$141	\$147	\$147
Cable/Satellite/Alarm	\$50	\$50	\$50
Trash collection	\$44	\$44	\$44
Internet (included with phone)			
Food	\$2,744	\$2,778	\$2,977
Clothing	\$344	\$544	\$833
Laundry and dry cleaning	\$120	\$145	\$20
Medical and dental expenses	\$1,198	\$1,088	\$1,322
Transportation (gas, public transport)	\$1,145	\$1,265	\$1,321
Recreation, clubs and entertainment, newspapers, magazines	\$445	\$422	\$917
Education	\$0	\$0	\$0
Insurance			
Renters	\$27	\$27	\$27
Life	\$176	\$126	\$126
Health	\$1,001	\$1,001	\$1,001
Auto (monthly cost of bi-annual bill)	\$103	\$107	\$111
Other			
Taxes			
Income Tax, FICA	\$9,802	\$10,702	\$10,702
Installment payments			
Auto Lease			
Alimony and support paid to others ²	\$3,900	\$3,900	\$3,900
Retirement Contributions/Expenses	\$1,971	\$1,971	\$1,971
After School	\$867		
Legal Fees ²			
CA FTB/IRS Settlement (TBD)			
<i>Total Expenses</i>	<u>\$27,780</u>	<u>\$27,984</u>	<u>\$29,067</u>
Net Monthly Income	<u>-\$1,288</u>	<u>\$940</u>	<u>-\$143</u>

² Payable when funds are available